

Applicant: James Mantyla  
Application No.: 10/067,606  
Filing Date: February 5, 2002  
Docket No.: 669-78 RCE  
Page 8

**REMARKS**

Reconsideration of the application as amended is respectfully requested.

Claims 1-16 and 19 are in the application. Claims 17 and 18 have been withdrawn in view of a previous election. Through this amendment, claims 1, 2 and 19 have been amended.

In the Official Action, the Examiner set forth minor claim suggestions with respect to claim 2. The first suggestion has been adopted by the Applicant, whereas the second suggestion has not been adopted in view of the present amendment to claim 1.

The Examiner rejected claims 1, 2, 7, 8, 13, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Paine (U.S. Patent No. 1,450,606).

Paine is directed to a pipe union which includes a gooseneck 3 coupled to a waste pipe 6 through a socket ring 8. As clearly shown in Figure 1, an end 4 of the waste pipe 6 is telescoped within an end 2 of the gooseneck 3. (column 1, lines 52-54). The other end of the gooseneck 3 is coupled to a straight length of pipe (not numbered) which also has an end telescopingly received within the gooseneck 3. Neither the coupling between the gooseneck 3 and the waste pipe 6 nor the coupling between the gooseneck 3 and the straight length of pipe allows for angular movement between the respective parts.

Amended claim 1 is directed to a device for plumbing drainage systems which comprises a first tubing element, a second tubing element, a seal and a connector. The first tubing element includes “an attachment bell at one end and a first coupler portion

Applicant: James Mantyla  
Application No.: 10/067,606  
Filing Date: February 5, 2002  
Docket No.: 669-78 RCE  
Page 9

at the other end” while the second tubing element includes “an attachment bell at one end and a second coupler portion at the other end”. Claim 1 further states “said first coupler portion and said second coupler portion are sized and shaped to permit said first and second coupler portions to be coupled together over a range of angles to form a leak resistant joint.” In contrast, the Paine pipe union does not allow for a coupling together over a range of angles in forming a leak resistant joint. Rather, as discussed above, the two points of coupling in Paine are static joints in which there is overlap between the respective coupled members. Accordingly, angular movement between the coupled members is not achievable. There is no disclosure or suggestion in Paine to provide coupler portions which allow for a leak resistant joint to be formed over a range of angles in Paine. It is respectfully submitted that claims 1, 2, 7, 8, 13, 15 and 16 are patentable over Paine.

Claims 9-12, 14 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paine. The Examiner admitted that Paine “fails to specifically disclose the shape of the seal components and fails to disclose the seal material” and, also, “Paine fails to disclose an integral angle stop.” The Examiner asserted that it would have been obvious to one skilled in the art to select a material or shape for the seal and that it would have been obvious to one having ordinary skill in the art to provide the Paine structure with an integral angle stop.

Claims 9-12 and 14 depend from claim 1. It is respectfully submitted, that as dependent claims, claims 9-12 and 14 are also patentable along with claim 1.

Applicant: James Mantyla  
Application No.: 10/067,606  
Filing Date: February 5, 2002  
Docket No.: 669-78 RCE  
Page 10

Claim 19 is directed to a device for plumbing drainage systems which includes first and second tubing elements having respectively first and second coupler portions. The “first and second coupler portions are sized and shaped to be coupled together over a range of angles to form a leak resistant joint”. An angle stop is also provided for “limiting said range of angles” and “to prevent coupling which creates an uphill rise to a downstream element of said first and second tubing elements.” As pointed out above, the Paine pipe union does not allow for angular movement between coupled parts. The structure of claim 19 calls for such a joint between the first and second tubing elements with an angle stop for limiting the angular movement. Without allowing for angular movement between coupled parts, there is no disclosure or suggestion in Paine to have an angle stop for limiting such. It is respectfully submitted that claim 19 is patentable over Paine.

Claims 3-6 were rejected over 35 U.S.C. § 103(a) as being unpatentable over Paine in view of Taylor (U.S. Patent No. 1,475,090). The Examiner admitted that Paine “fails to disclose a bulb and socket coupler portions” and asserted that Taylor provides such.

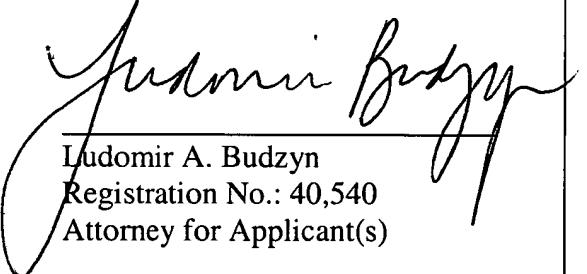
Taylor is directed to a flexible pipe joint for use with underwater piping systems. Taylor, as such, is non-analogous art. MPEP § 2141.01(a). In particular, Taylor is not within the field of Applicant’s endeavor or reasonably pertinent to the particular problem being dealt with, with the subject invention. With reference to the “BACKGROUND” section of Applicant’s specification, problems encountered with P-

Applicant: James Mantyla  
Application No.: 10/067,606  
Filing Date: February 5, 2002  
Docket No.: 669-78 RCE  
Page 11

traps are noted. A P-trap includes a U-shaped bend, which is recited in the claims. One skilled in the art looking to solve problems associated with a P-trap would not look to the underwater piping system of Taylor to solve problems associated with P-traps. Accordingly, Taylor, as being non-analogous art, is not combinable with Paine as suggested by the Examiner. Moreover, claims 3-6 depend from claim 1 and are patentable for the reasons noted above.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Ludomir A. Budzyn  
Registration No.: 40,540  
Attorney for Applicant(s)

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700